

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
CIVIL ACTION NO. 1:19-cv-00272

MAXWELL KADEL; JASON FLECK;)
CONNOR THONEN-FLECK, by his next)
friends and parents, JASON FLECK and)
ALEXIS THONEN; JULIA MCKEOWN;)
MICHAEL D. BUNTING, JR.; C.B., by his)
next friends and parents, MICHAEL D.)
BUNTING, JR. and SHELLEY K.)
BUNTING; and SAM SILVAINE,)

Plaintiffs,)

v.)

DALE FOLWELL, in his official capacity as)
State Treasurer of North Carolina; DEE)
JONES, in her official capacity as Executive)
Administrator of the North Carolina State)
Health Plan for Teachers and State)
Employees; UNIVERSITY OF NORTH)
CAROLINA AT CHAPEL HILL; NORTH)
CAROLINA STATE UNIVERSITY;)
UNIVERSITY OF NORTH CAROLINA AT)
GREENSBORO; and NORTH CAROLINA)
STATE HEALTH PLAN FOR TEACHERS)
AND STATE EMPLOYEES,)

Defendants.)

**CONSENT MOTION FOR
EXTENSION OF TIME**

PURSUANT to Fed. R. Civ. P. 6(b), Defendants DALE FOLWELL, in his official capacity as State Treasurer of North Carolina, DEE JONES, in her official capacity as Executive Administrator of the North Carolina State Health Plan for Teachers and State Employees, and NORTH CAROLINA STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES (“SHP”) hereby request an extension of time in which to file and

serve their answers or other responsive pleadings in the above-referenced matter. In support of this motion, Defendants Folwell, Jones and SHP show the following:

1. Plaintiffs filed their Complaint on March 11, 2019.
2. Plaintiffs served waivers of service of summons upon Defendants Folwell, Jones and SHP on or about March 13, 2019.
3. Defendants Folwell, Jones and SHP returned the duly executed copies of waiver of service forms. Their answers or other responsive pleadings are currently due on May 13, 2019.
4. The time for Defendants Folwell, Jones and SHP to file and serve an Answer or other responsive pleading has not passed.
5. Defendants Folwell, Jones and SHP are continuing to gather information that may assist the defense of this action. Defendants Folwell, Jones and SHP are further in the process of retaining a counsel for general representation in this litigation.
6. Defendants Folwell, Jones and SHP request an extension of time of thirty (30) days to file and serve an Answer or other responsive pleading in the above-referenced matter.
7. Defendants Folwell, Jones and SHP do not seek an extension for any improper purpose.
8. Counsel for Plaintiffs has been consulted and consents to this motion for extension of time.

WHEREFORE, Defendants Folwell, Jones and SHP respectfully request the court to grant an extension of thirty (30) days, up to and including June 12, 2019, in which to file and serve their answers or other responsive pleadings in the above-referenced matter.

Respectfully submitted, this 6th day of May, 2019.

JOSHUA H. STEIN
Attorney General

/s/ Olga E. Vysotskaya de Brito
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CERTIFICATE OF SERVICE

I hereby certify that on this date I electronically filed the foregoing **CONSENT MOTION FOR EXTENSION OF TIME** with the clerk of Court using the CM/ECF system which will send notification of such to all counsel of record in this matter.

This 6th day of May, 2019.

/s/ Olga E. Vysotskaya de Brito
Olga E. Vysotskaya de Brito
Special Deputy Attorney General